

DUANE MORRIS LLP
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

URBAN OUTFITTERS, INC.,

Plaintiff,

v.

KVM INTERNATIONAL FASHIONS, LTD. d/b/a
CHAUDRY and KRISHAN K. CHAUDRY,

Defendants.

)
)
) Civil Action No. 11-cv-01723 (JSK)

)
) ECF Case
)

) **MEMORANDUM OF LAW IN**
) **SUPPORT OF MOTION TO**
) **WITHDRAW AS COUNSEL**
)
)

Pursuant to rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, Duane Morris LLP (“Duane Morris”) respectfully submits this memorandum of law in support of its motion to withdraw as counsel of record for plaintiff Urban Outfitters Inc. (“Urban Outfitters”) in the above-captioned action and for all dates in the case to be briefly adjourned.

ARGUMENT

I. Standard for Withdrawal

Pursuant to rule 1.4 of the Local Rules, “an attorney who has appeared as attorney of record for a party may be relieved . . . by order of the Court Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal”

Local Rule 1.4. Rule 1.16 of the New York State Rules of Professional Conduct permits withdrawal of counsel where “the client knowingly and freely assents to termination of the

employment” or where “the client insists upon taking action with which the lawyer has a fundamental disagreement.” N.Y. Prof. Conduct Rule 1.16.

Indeed, withdrawal is proper solely on the grounds that the client consents to withdrawal. *See Tipoo v. Cohen & Slamowitz, LLP*, No. 11 Civ. 6046, 2012 U.S. Dist. LEXIS 77168 at *8 (S.D.N.Y. May 30, 2012) (holding withdrawal proper solely on the basis that client assents to withdrawal). Similarly, withdrawal is permitted merely where counsel and the client differ as to litigation strategy. *Hallmark Capital Corp.*, No. 96 Civ. 2839, 1997 U.S. Dist. LEXIS 16328 at *5 (S.D.N.Y. Oct. 21, 1997) (holding differences as to litigation strategy sufficient for withdrawal).

II. Duane Morris Meets the Standard for Withdrawal

In the instant action, Urban Outfitters knowingly and freely assents to Duane Morris withdrawing as counsel in this action. *See* Declaration of Gregory P. Gulia in Support of Motion to Withdraw as Counsel (“Gulia Decl.”) at ¶ 2. Indeed, Urban Outfitters has already obtained the law firm of Drinker Diddle & Reath LLP as new counsel in this litigation. *See* Gulia Decl. at ¶ 2. Duane Morris will fully assist Drinker Diddle & Reath LLP in transitioning the representation by providing critical documents on an expedited basis and briefing Drinker Diddle & Reath LLP as to the key facts and issues in this case. *See* Gulia Decl. at ¶ 2. Moreover, Duane Morris and Urban Outfitters have diverging views with respect to the appropriate strategy to employ in this litigation. *See* Gulia Decl. at ¶ 2. Each of these reasons is sufficient for withdrawal.

III. Request for Brief Continuance of All Dates

Urban Outfitters respectfully requests a brief continuance of all dates in this action, such that “new counsel . . . would not be forced to ‘hit the ground running’ but would instead have

ample time to familiarize himself with the entire record in the case” *See Diarama Trading Co. v. J. Walter Thompson U.S.A., Inc.*, 01 Civ. 2950, 2005 U.S. Dist. LEXIS 17008 at *9 (S.D.N.Y. Aug. 12, 2005) (citations omitted).

CONCLUSION

For the foregoing reasons, Duane Morris respectfully requests that the Court grant its motion to withdraw as counsel of record for Urban Outfitters and briefly continue the scheduled dates in the case, as well as Urban Outfitters’ deadline to respond to Defendants’ interrogatories and requests for production of documents.

Dated: New York, NY
October 17, 2010

DUANE MORRIS LLP

By: /s/
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the Notice of Motion to Withdraw as Counsel, Memorandum of Law in Support of Motion to Withdraw as Counsel, Declaration of Gregory P. Gulia in Support of Motion to Withdraw as Counsel, and Proposed Order to be served by First-Class mail this 17th day of October, 2012 on the following:

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